

Global prison crisis

How does Africa rate?

The state of a country's prisons reflects its human rights' performance. So how does Africa rate in its treatment of prisoners? **Jeremy Sarkin** notes that prisoners as a vulnerable group are most likely to have their rights violated. He looks at prison populations and conditions and assesses where South Africa is succeeding and failing.

Prisoners have become a subject of scrutiny around the world due in part to the rise in inmate populations in most countries. Imprisonment and issues around criminal justice and human rights are important to the entire international community and have significant global impacts. So research is critical because prisons are where states hold the greatest power over individuals and their human rights. Prisons are an important lens through which to view the relationship between citizens and the state.

Prisons are microcosms of the societies in which they exist as they mirror a country's general human rights record. As Nelson Mandela noted "No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."

Prisons offer one of the harshest possible punishments for criminal activity other than capital punishment. They show the consequences of a state's laws and policies regarding its penal system.

More generally, prisons reflect a country's history and development, as well as its culture and ideologies. A state's approach to imprisonment

and how it cares for its prisoners also shows its position on the rights of other vulnerable groups not in prison such as women, children, and disabled citizens. These vulnerable groups are the most likely to have their rights violated and so are most in need of protection.

Prisons around the world have much in common.

Firstly, prisons are universal. They are an integral part of the criminal justice system, which is used to maintain order and social control. Prisons punish those who violate the law, and also act as deterrents for potential lawbreakers. Yet despite their importance to the state, all prisons are plagued by similar problems. Although there are variations in degree, especially between richer and poorer countries, prisoners around the world live in dire conditions.

There is a global crisis around prison systems throughout the world. Problems within most penal systems are increasing, along with the numbers of people incarcerated.

RISING PRISON POPULATIONS

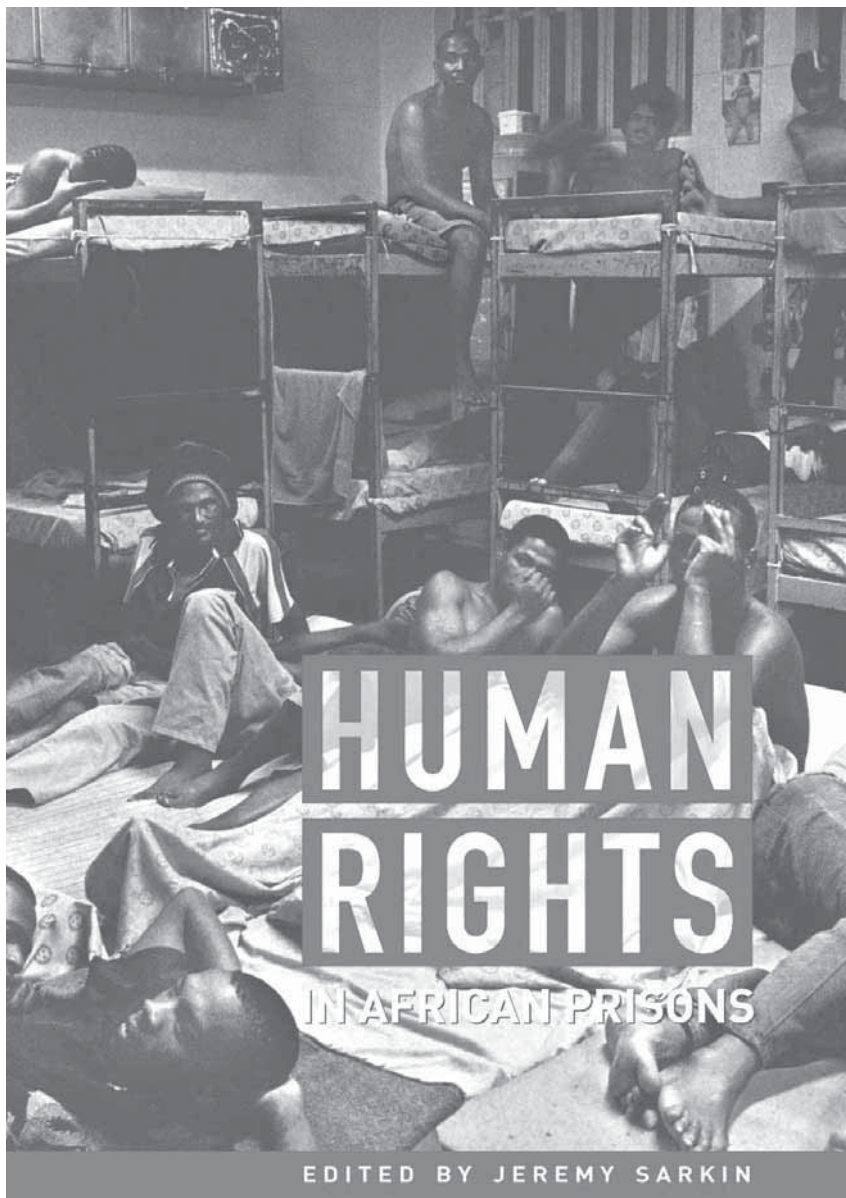
Prisoner numbers around the world have increased radically since the 1990s. Between 1998 and 2004, the prison population grew by one

million, from 8.1 million to 9.1 million, which is about 12%. Available figures from 173 countries show that in two thirds there was an increase in inmates and 50 of those countries saw a 50% increase in prison populations between 1992 and 2004.

There are around nine million prisoners around the world which means that one out of every 700 people in the world is in prison. Africa, which has 53 countries, is home to about 3 000 prisons and one million prisoners. Several countries, including Algeria, the Democratic Republic of the Congo (DRC), Ethiopia, Kenya, Madagascar, Nigeria, South Africa, Sudan, Tanzania, and Uganda, are home to over 100 prisons. Three of these, South Africa, Uganda, and the DRC, have over 200 prisons.

At the opposite end some countries only have one or two prisons. According to the International Centre for Prison Studies in the United Kingdom, African prisons hold just over 10% of the global prison population, but over the past few years, prison populations in Africa have risen.

South Africa, which has the highest rate of incarceration in Africa at about 165 000 prisoners, ranks 8th in the world in the number of prisoners



it has after the USA, China, Russia, Brazil, India, Mexico and Thailand. South Africa has a small population compared to the other countries which makes South Africa's ranking even more of a problem. It is important to mention, however, that South Africa ranks 26th and that the top three countries, the USA, China, and Russia together house about half of the world's prison population.

WHO IS IN PRISON?

The global prison population is dominated by poor, uneducated, unemployed young men, often from minority groups. Indigenous groups are also over-represented in prison populations.

Roy Walmsley of the International Centre for Prisons Research notes that in New Zealand 45% of prisoners are Maori, even though

they make up only 14% of the population. In Australia, the Aboriginal population is small but they are nine times more likely to be arrested, six times more likely to be imprisoned, and 23 times more likely to be imprisoned as juveniles.

In the USA, African-Americans form 12.7% of the population but make up 48.2% of adults in prison. Hispanics constitute 11.1% of the population, but form 18.6% of the prison population. Native-Americans are less than 1% of the population, but 4% of adults in this group are in prison. This also holds true for Canada, where indigenous women only make up 3% of females in the country, but comprise 29% of the female prison population.

PRISON CONDITIONS

It is important to note that Africa's

prisons are not the worst in the world. Some of the worst conditions are in Central and Eastern Europe and Central Asia. There are major problems in Latin America and the Middle East as well, where most prisons suffer from massive overcrowding, decaying infrastructure, and a lack of medical care, guard-on-prisoner abuse, corruption, and prisoner-on-prisoner violence. Malnutrition and a lack of hygiene and medical care cause many deaths in these prisons.

While violence is a common feature of penal systems around the world, Latin American prisons are the worst with the most violent deaths. Riots have occurred in African prisons such as in Libya in 1996 and 2006, but they are infrequent compared to other parts of the world. Riots and hostage taking are fairly common in Latin America. There, conflicts between groups, factions, militias and others that occur outside prisons are brought into prisons.

In most prisons violence between inmates, including sexual assault is commonplace.

AFRICAN PRISONS COMPARED

It is helpful to compare criminal justice systems and prisons in order to gain an understanding of prison systems in general and to learn from others. However, there are almost no comparative studies of prisons in Africa.

Certainly, it is dangerous to generalise about issues of fact and policy. Africa is a large, populous, and diverse continent that spans many cultures, peoples, languages, institutions, and penal systems. As a result, different countries face different challenges. It is almost impossible to generalise about the issues and problems surrounding African prisons, but there are some trends that are common across Africa.

Prison deaths SA

“In South Africa in 2004/5, a total of 74 prisoners died due to unnatural causes; in 2005/6, this figure dropped to 32; and in 2006/7, climbed to 62. Despite the high numbers of deaths, it does not appear as if thorough investigations are conducted, offenders prosecuted and punished, and the findings of investigations made public.” (Civil Society Prison Reform Initiative).

It is interesting to note that government policies reflect a desire to keep to international standards. In practice this has proved more difficult, and countries often fail to achieve these standards. Yet, across the continent governments have attempted to address the problems and to overcome the many obstacles facing African penal systems.

It is important to be aware of the human rights trends and themes on the continent. For example, African prisoners often face lengthy confinement in dirty, congested accommodation. Food allocations are fairly small, hygiene care is negligible, and prisons provide very few facilities or clothing. These conditions, however, are not uniform across the continent.

Prisons across the world, face special challenges, but also must cope with similar problems. Generally, prisoners in both wealthy and poor countries live in inhumane conditions. Also, corruption among officials is fairly universal.

SOUTH AFRICAN PRISONS

The situation in South African prisons is desperate even though some measure of reform has occurred.

South Africa has a prison population of about 165 000 individuals in 237 prisons under the care of about 3 000 prison officers. South African prisons are designed for only about 100 000 prisoners and are bursting at the seams. Some prisons hold more than three times the number of prisoners they should, and in 2008 one prison held more than four times the number it was designed to hold.

South Africa overall though, according to the International Centre

for Prison Research, only ranks 47th in the world on its overcrowding. But this is an overall rate and some prisons are not overcrowded.

Overcrowding leads to many problems. Overcrowded prisons strain the capacity and staff of prisons and they breed death, disease, and violence for people who spend their lives there. At best, overcrowding is uncomfortable; at its worst, it creates lawlessness.

Unfortunately about 50 000 prisoners in South Africa are awaiting trial. This is a very high proportion of the total. The Judicial Inspectorate of Prisons noted that the state spends over R2-million daily on awaiting-trial prisoners and that many are only in prison because they cannot afford to pay bail. Women only account for about 3 500 of total prison inmates, but there are about 2 000 children in prison, and another 1 000 awaiting-trial children. The number of children in prison has however been falling.

Violence in South Africa's prisons is very high. The other human rights abuse concerns health care. The Correctional Services Act follows largely the Constitution as well as domestic and international human rights obligations, but in practice the Department of Correctional Services falls well short of these obligations.

In August 2008 the Auditor-General noted that the condition in some prisons broke South Africa's laws as well as its international obligations. It noted that some prisons had a negative effect on the inmates and on the population living around them.

Harsh sentences make overcrowding worse. Other infringements of human rights include the detention of children

with adults. In most prisons, rehabilitation programmes do not exist or are weak. The exposure of young people to criminals in prison probably promotes crime more than stopping them from committing crime. Also HIV/AIDS rates in prisons are much higher than in the general South African population.

CONCLUSION

Much has been done to reform prisons since South Africa's transition to democracy in 1994. Government has introduced new laws and taken steps to ensure oversight of conditions in jails. These include a Judicial Commission of Inquiry into corruption and the establishment of the Judicial Inspectorate of Prisons that uses a visitor's programme to check on conditions.

However, much work remains to be done. Reform of prisons has to be part of an overall approach to crime, and to the criminal justice system. Government is not focussing enough on rehabilitation or on finding methods to divert small offenders away from prison. Violence in prisons, as well as in police stations, where over 500 people die each year, about the same as in the apartheid years, remain urgent challenges. LB

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